

REMARKS

Status of the Claims

Claims 23, 28-30, 36 and 50-89 are pending.

Claims 23, 28-30, 36 and 50-89 have been rejected.

By way of this amendment, claim 23 has been amended and claim 90 has been added

Upon entry into this amendment, claims 23, 28-30, 36 and 50-90 will be pending.

Summary of the Amendment

Claim 23 has been amended to remove the phrase "in an amount effective to cause a cytotoxic or cytostatic effect on metastasized colorectal cancer cells without causing lethal side effects on the individual." Claim 90 has been added and is supported by the application as filed. No new matter has been added.

Rejections under 35 U.S.C. §112, first paragraph

Claims 23, 28-30, 36, and 50-62 stand rejected as allegedly failing to comply with the written description requirement. The Office alleges that claim 23 is not supported by the specification. The Office alleges the specification does not support the phrase "ST receptor ligand in an amount to cause a cytotoxic or cytostatic effect on metastasized colorectal cancer cells." (Office Action, page 3). The Office alleges that the specification supports that the cytotoxic or cytostatic effect is "due to the chemotherapeutic agent or the toxin in the conjugate, not a ST receptor ligand, an antibody." (Office Action, page 3). The Office alleges that the "specification does not teach that a ST receptor ligand has cytotoxic or cytostatic effect on any cell including a colorectal cell, therefore, does not provide sufficient support for the instant claims as amended." (Office Action, page 3).

Applicants respectfully assert that the phrase is supported by the specification, but solely in order to further prosecution Applicants have amended claim 23 to remove the allegedly unsupported phrase. The presently claimed invention is supported by the specification and does not contain new matter. In view of the foregoing, Applicants respectfully request that the rejection under 35 U.S.C. § 112, first paragraph be withdrawn.

Double Patenting

Claims 23, 28-30, 36, and 50-89 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 5, 7, 9, 10, 28-34, 38-42, 46-49, and 55-58 of U.S. Patent No. 5,879,656.

Claims 23, 28-29, 50-60, 63-65, 67-78, 81-85, and 89 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 6-8 of U.S. Patent No. 6,060,037.

Applicants enclosed herein a terminal disclaimer, thereby obviating the obviousness-type double patenting rejections. In view of the foregoing, Applicants respectfully request that the rejection under the judicially created doctrine of obviousness-type double patenting be withdrawn.

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Conclusion

Claims 23, 28-30, 36, and 50-89 are in condition for allowance. A notice of allowance is earnestly solicited. Applicants invite the Examiner to contact the undersigned at 610.640.7820 to clarify any unresolved issues raised by this response.

The Commissioner is hereby authorized to charge any deficiencies of fees and credit of any overpayments to Deposit Account No. 50-0436.

Respectfully submitted,

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